

## 2018 Proposed Amendments to Florida's Constitution

### Background

Amendments require 60% voter approval to be accepted, and there are four ways to get a proposed amendment to the Florida Constitution onto the ballot: legislative referral; citizen initiative; and referral by the Taxation & Budget Reform Commission or the Constitution Revision Commission (CRC). The two commissions each meet once every 20 years at 10-year intervals, and in 2017–18 it was the CRC's turn. As of 28 Sep 2018, **nine statewide ballot measures** were certified for Florida's [ballot](#). Amendment 8 was removed from the ballot by a court ruling over the summer, and 3 additional measures (Amendments 7, 9 and 11) were struck down by court rulings—but could potentially make it back on the ballot pending appeals to the Florida Supreme Court.

There's another wrinkle. While citizen initiatives and legislatively-referred measures are restricted to a single issue, must be written in clear language subject Florida Supreme Court approval and must include the estimated cost to Florida taxpayers if approved—referrals from the CRC need not pass any of those tests. As a result, the CRC proffered 8 amendments, all of which “bundled” multiple issues in each amendment. This did not sit well with many Floridians, and all of the CRC-referred amendments were challenged in court. As noted above, Amendment 8 was successfully struck from the ballot, and several others were challenged and struck, but could be restored on appeal. All but Amendment 8 will still appear on the ballot, because those had to be printed while appeals were still pending. So, you'll still need to know about them just in case the court rulings are overturned.

For more nonpartisan information on the 2018 ballot amendments, see [League of Women Voters of Florida](#), [Ballotpedia](#), [Vote Smart](#) and the [Florida Bar Journal](#) (sidebar). Help make our democracy work!

### Amendment 1: Increased Homestead Property Tax Exemption

This legislatively-referred measure would amend [Section 6\(a\) of Article VII](#) of the [Florida Constitution](#). The measure would also add a section to the Florida Constitution's [Article XII Schedule](#). See the exact [constitutional changes here](#).

A “**yes**” vote supports exempting the portion of home values between \$100,000 and \$125,000 from property taxes other than school taxes, bringing the maximum homestead exemption up to \$75,000.

A “**no**” vote opposes exempting the portion of home values between \$100,000 and \$125,000 from property taxes other than school taxes, keeping the maximum homestead exemption at \$50,000.

#### Ballot Summary

Proposing an amendment to the State Constitution to increase the homestead exemption by exempting the assessed valuation of homestead property greater than \$100,000 and up to \$125,000 for all levies other than school district levies. The amendment shall take effect January 1, 2019.

#### Analysis

This amendment would provide a homestead exemption on the portion of home values between \$100,000 and \$125,000, meaning the \$25,000 between \$100,000 and \$125,000 of a home's value would be exempted from property taxes other than school district taxes. Currently the first \$25,000 of a home's value is exempt from property taxes, as is the value between \$50–\$75,000. Amendment 1 would exempt the value between \$100–125,000. If approved, the homestead exemption for a home valued at \$200,000 would be \$75,000. If rejected, the homestead exemption for a home valued at \$200,000 would remain at \$50,000.

Florida's Constitution reserves the power to levy property taxes for local governments—such as counties, cities, school districts, and certain special districts—so Amendment 1 would adversely impact the revenue of local governments. As a recent Daily News editorial pointed out, [it's all about tax money](#)—and who will ultimately foot the bill. And that's not all.

In FY2016–17 the general revenue fund provided \$23,881,616 to Florida’s 29 “fiscally constrained” counties; i.e., counties where a one mil levy would raise not more than \$5 million annually. These counties are reimbursed by the state government to offset decreases in revenue caused by certain homestead exemptions. The state legislature is specifically required to reimburse fiscally-constrained counties for any decreases in property taxes caused by the passage of Amendment 1, and the state’s own fiscal analysis estimates that will cost an *extra* ~\$10.5 million annually—a 44% increase!

Florida taxpayers will be on the hook for this. Three quarters of general revenue comes from sales tax, and education and human services (which comprise the majority of general revenue expenses) typically bear the brunt of budget cuts when there is a shortfall.

So, approval of Amendment 1 would likely result in fewer local services, an increased millage rate (which places the entire burden on homeowners), or an increased state sales tax, as local and state governments strive to balance their budgets in future.

#### Supporters

- Florida State Senator Tom Lee (R-20)

#### Opponents

- Florida League of Cities
- Florida City and County Management Association

- Florida Policy Institute
- Florida Education Association
- Florida Association of Counties
- League of Women Voters of Florida
- Progress Florida
- Sun Sentinel (Ft Lauderdale) and Tampa Bay Times

### Amendment 2: Limitations on Property Tax Assessments

The legislatively-referred measure would make the current cap on nonhomestead parcel assessment increases permanent by amending [Section 27 of Article XII](#) of the [Florida Constitution](#). See the exact [constitutional changes here](#).

A “**yes**” vote supports making permanent the cap of 10% on annual nonhomestead parcel assessment increases, which is currently set to expire on January 1, 2019.

A “**no**” vote supports allowing the current cap of 10% on annual nonhomestead parcel assessment increases to expire on January 1, 2019.

#### Ballot Summary

Proposing an amendment to the State Constitution to permanently retain provisions currently in effect, which limit property tax assessment increases on specified nonhomestead real property, except for school district taxes, to 10 percent each year. If approved, the amendment removes the scheduled repeal of such provisions in 2019 and shall take effect January 1, 2019.

Voters approved the original 10-year/10% cap in a 2008 amendment, and Amendment 2 would make that 10% cap on annual non-homestead parcel assessment increases permanent, instead of allowing it to expire on 1 Jan 2019. The cap doesn’t apply to school district taxes. It covers non-homestead residential properties, such as second homes and rental apartments, and nonresidential property, such as commercial property and vacant land.

#### Analysis

The push to make the cap permanent received strong bipartisan support in the legislature in 2018, and proponents of this measure are [actively campaigning for its passage](#). They claim it will promote small business—the backbone of Florida’s economy—and help residents **and** businesses by protecting them from excessive spikes in property taxes. This in turn helps communities thrive by promoting economic opportunity, protecting renters from rent increases and ensuring Florida remains an affordable place to live, work and do business. Florida Tax Watch notes that if the amendment fails to pass, all non-homestead property would be assessed at

its full value beginning in January, and the combined potential tax increase could reach nearly \$700 million per year. Additionally, there would be no limit as to how high property tax assessments could go in future.

The League of Women Voters of Florida opposes the amendment, because of its existing position that no tax sources or revenue should be specified, limited, exempted, or prohibited in the Constitution.

#### Supporters

- Florida Association of Realtors
- Florida Tax Watch
- Florida Chamber of Commerce

#### Opponents

- League of Women Voters of Florida

### Amendment 3: Voter Control of Gambling in Florida

This citizen initiative would add a Section 29 to [Article X](#) to the [Florida Constitution](#) and give Florida voters the exclusive right to authorize additional casino gambling in the state.

A “yes” vote supports providing voters with the exclusive right to decide whether to authorize casino gambling in Florida through citizen-initiated ballot measures.

A “no” vote leaves future decisions regarding authorization of casino gambling in Florida in the hands of the legislature, where it currently resides.

#### Ballot Summary

This amendment ensures that Florida voters shall have the exclusive right to decide whether to authorize casino gambling by requiring that in order for casino gambling to be authorized under Florida law, it must be approved by Florida voters pursuant to Article XI, Section 3 of the Florida Constitution. Affects articles X and XI. Defines casino gambling and clarifies that this amendment does not conflict with federal law regarding state/tribal compacts.

The amendment’s impact on state and local government revenues and costs, if any, cannot be determined at this time because of its unknown effect on gambling operations that have not been approved by voters through a constitutional amendment proposed by a citizens’ initiative petition process.

#### Text to Be Added to the Constitution

##### **SECTION 29. Voter Control of Gambling in Florida.—**

(a) This amendment ensures that Florida voters shall have the exclusive right to decide whether to authorize casino gambling in the State of Florida. This amendment requires a vote by citizens’ initiative pursuant to Article XI, section 3, in order for casino gambling to be authorized under Florida law. This section amends this Article; and also affects Article XI, by making citizens’ initiatives the exclusive method of authorizing casino gambling.

(b) As used in this section, “casino gambling” means any of the types of games typically found in casinos and that are within the definition of Class III gaming in the Federal Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. (“IGRA”), and in 25 C.F.R. §502.4, upon adoption of this amendment, and any that are added to such definition of Class III gaming in the future. This includes, but is not limited to, any house banking game, including but not limited to card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games); any player-banked game that simulates a house banking game, such as California black jack; casino games such as roulette, craps, and keno; any slot machines as defined in 15 U.S.C. 1171(a)(1); and any other game not authorized by Article X, section 15, whether or not defined as a slot machine, in which outcomes are determined by random number generator or are similarly assigned randomly, such as instant or historical racing. As used herein, “casino gambling” includes any electronic gambling devices, simulated gambling devices, video lottery devices,

internet sweepstakes devices, and any other form of electronic or electromechanical facsimiles of any game of chance, slot machine, or casino-style game, regardless of how such devices are defined under IGRA. As used herein, “casino gambling” does not include pari-mutuel wagering on horse racing, dog racing, or jai alai exhibitions. For purposes of this section, “gambling” and “gaming” are synonymous.

(c) Nothing herein shall be deemed to limit the right of the Legislature to exercise its authority through general law to restrict, regulate, or tax any gaming or gambling activities. In addition, nothing herein shall be construed to limit the ability of the state or Native American tribes to negotiate gaming compacts pursuant to the Federal Indian Gaming Regulatory Act for the conduct of casino gambling on tribal lands, or to affect any existing gambling on tribal lands pursuant to compacts executed by the state and Native American tribes pursuant to IGRA.

(d) This section is effective upon approval by the voters, is self-executing, and no Legislative implementation is required.

(e) If any part of this section is held invalid for any reason, the remaining portion or portions shall be severed from the invalid portion and given the fullest possible force and effect.

### Analysis

Amendment 3 would make the citizen initiative process “the exclusive method of authorizing casino gambling” in Florida. The legislature would not be allowed to authorize casino gambling either through statute or by referring an amendment. The measure’s definition of casino gambling **includes** card games, casino games, and slot machines and **excludes** pari-mutuel wagering on horse racing, dog racing, or jai alai exhibitions. It would not impact casino gambling on Native American tribal lands now established through state-tribe compacts

This measure is supported by Disney and the Seminole Tribe, neither of which want more competition for entertainment and gambling dollars. To get on the ballot in Florida, a citizen’s initiative requires enough signatures from registered voters to equal to 8% of the votes cast in the preceding presidential election (currently ~754,000). Signatures must also be collected from at least 8% of the district-wide vote in at least 14 of the state’s 27 congressional districts (currently ~8,200 in Okaloosa and ~1,100 in Walton Counties). So, if Amendment 3 is approved by voters, the bar to approve additional casino gambling in the state will be high.

Amendment supporters insist that due to the high stakes involved and the money that the gambling industry could potentially pour into campaigns and lobbying, the people of Florida should have the final say on whether or not to legalize casino-style gambling.

Currently card games, casino games, and slot machines are prohibited at non-tribal facilities in all but Miami-Dade and Broward Counties, and the Seminole Tribe has the exclusive right to operate blackjack in Florida. As a result, Amendment 3 opponents claim it would essentially make gaming a monopoly for the Seminole Tribe. Additionally, owners of pari-mutuel businesses would prefer to be regulated by statute, not amendment.

### Supporters

- [Yes on 3](#)
- Disney Worldwide Services
- Seminole Tribe of Florida
- League of Women Voters of Florida
- Florida Chamber of Commerce
- Florida Restaurant & Lodging Association
- No Casinos, Inc.

### Opponents

- [Vote No on Three](#)
- Senator Bill Galvano (R-21)
- West Flagler Associates, LTD
- Hialeah Park
- American Legion of Florida

### Amendment 4: Voting Restoration Amendment

This citizen initiative would amend [Section 4 of Article VI](#) of the of the [Florida Constitution](#).

A “**yes**” vote supports automatic restoration of the right to vote for people with prior felony conviction—except those convicted of murder or a felony sexual offense—upon completion of their sentences, including prison, parole, and probation.

A “**no**” vote supports continuing to permanently bar all convicted felons from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.

### **Ballot Summary**

This amendment restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.

The precise effect of this amendment on state and local government costs cannot be determined, but the operation of current voter registration laws, combined with an increased number of felons registering to vote, will produce higher overall costs relative to the processes in place today. The impact, if any, on state and local government revenues cannot be determined. The fiscal impact of any future legislation that implements a different process cannot be reasonably determined.

### **Underlined Text to Be Added to the Constitution**

#### **Article VI, SECTION 4. Disqualifications.—**

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

(b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.

### **Analysis**

Amendment 4 would automatically restore voting rights to people with felony convictions—except those convicted of murder or a felony sexual offense—upon completion of their sentences (prison+parole+probation). As of 2018, people with prior felonies never regain the right to vote in Florida, until and unless a [state board](#) restores an individual’s voting rights. This board has no established standards for making its decisions, so every individual ruling is completely arbitrary.

Florida is 1 of only 4 states where convicted felons do not regain voting rights until and unless a state officer or board restores them. Under Governor Scott convicted felons must wait 5 or 7 years (depending on the offense) after completing their sentences to request the board consider restoration of their voting and other civil rights. On 1 Feb 2018, the US District Court of Northern Florida ruled that the state’s current process is both arbitrary and unconstitutional, because it violates the 1st and 14th Amendments. The court instructed Florida to come up with a set of specific standards for restoration of felons rights by 26 April. The Florida government requested and was granted a stay on that order while its appeal is being heard.

Supporters, led by “Floridians for a Fair Democracy,” note that nearly 1.5 million people in Florida are permanently excluded from voting because of a prior non-violent felony convictions. This represents nearly 10% of Florida’s voting age population and over 20% of the African-American voting age population. These individuals have paid their debts to society by completing their full sentences, and thus have earned the opportunity to participate in and give back to their communities.

Opponents, led by “[Floridians for a Sensible Voting Rights Policy](#),” say automatic restoration of voting rights wrongly treats all nonviolent felonies the same, and precludes examination of the specifics of an individual crime

and the post-release history of the criminal before rights restoration. The [Human Rights Defense Center](#) opposes Amendment 4 because it discriminates against convicted murderers and sex offenders.

### Supporters

- [Second Chances Florida](#)
- Florida Rights Restoration Coalition
- American Civil Liberties Union
- Our Revolution
- New Approach PAC
- Reentry Alliance Pensacola
- League of Women Voters of Florida
- Progress Florida

- Florida Policy Institute
- Florida Education Association
- Florida National Organization for Women
- Leon County Sheriff Walt McNeil

### Opponents

- Floridians For A Sensible Voting Rights Policy
- Commissioner of Agriculture Adam Putnam
- Rep Richard Corcoran (R-37)
- Human Rights Defense Center

## Amendment 5: Supermajority Vote Required to Impose, Authorize, or Raise Taxes or Fees

This legislatively-referred amendment would add a Section 19 to [Article VII](#) of the [Florida Constitution](#).

A “yes” vote supports requiring a two-thirds vote of each chamber of the Florida State Legislature to enact new taxes or fees or increase existing ones.

A “no” vote opposes the amendment, thus allowing the state legislature to continue to enact new taxes or fees or increase existing ones—except the corporate income tax—through a simple majority vote.

### Ballot Summary

Prohibits the legislature from imposing, authorizing, or raising a state tax or fee except through legislation approved by a two-thirds vote of each house of the legislature in a bill containing no other subject. This proposal does not authorize a state tax or fee otherwise prohibited by the Constitution and does not apply to fees or taxes imposed or authorized to be imposed by a county, municipality, school board, or special district.

### Text to Be Added to the Constitution

#### **SECTION 19. Supermajority vote required to impose, authorize, or raise state taxes or fees.—**

(a) SUPERMAJORITY VOTE REQUIRED TO IMPOSE OR AUTHORIZE NEW STATE TAX OR FEE. No new state tax or fee may be imposed or authorized by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(b) SUPERMAJORITY VOTE REQUIRED TO RAISE STATE TAXES OR FEES. No state tax or fee may be raised by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(c) APPLICABILITY. This section does not authorize the imposition of any state tax or fee otherwise prohibited by this Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

(d) DEFINITIONS. As used in this section, the following terms shall have the following meanings:

(1) “Fee” means any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.

(2) “Raise” means:

a. To increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;

- b. To increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or
  - c. To decrease or eliminate a state tax or fee exemption or credit.
- (e) SINGLE-SUBJECT. A state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.

### Analysis

Amendment 5 would require a two-thirds vote of both chambers of the Florida Legislature to enact new taxes or fees or increase existing ones, and would also require that a bill enacting a new or increasing an existing tax or fee contain no other subject. Currently the legislature needs only a simple majority in each chamber to do so—except for corporate income tax. (In 1971 voters approved an amendment requiring a three-fifths vote to increase corporate income tax above 5%.) If approved, Amendment 5 would require 27 votes in the state Senate and 80 votes in the state House to pass a tax or fee increase.

Governor Scott specifically requested this amendment from the Legislature, which obliged. Supporters claim the higher threshold is warranted because it should always be “much more difficult to raise taxes than it is to cut them.” The clear intent is to tie the hands of future legislators long after the current crop leaves office.

Opponents claim the measure is short-sighted for several reasons:

- It does not include a provision that would allow for tax increases in times of emergencies (hurricane, floods, recession, etc.).
- It is an abrogation of the Legislature’s fiduciary responsibility to pass a reasonable budget.
- Future legislatures will lose any flexibility regarding taxes and revenues.
- While future legislatures would be constrained from raising funds, there are no limits on special exemptions, which combine to make Florida’s tax code more and more regressive.
- This very high bar for raising taxes would make policymaking incredibly difficult, preventing the state from increasing spending or expanding programs even if state residents favored them.

### Supporters

- Governor Scott
- Multiple current legislators
- Florida Tax Watch
- Florida Chamber of Commerce

### Opponents

- Multiple current legislators
- League of Women Voters of Florida
- Florida Policy Institute
- Progress Florida
- Florida Education Association

## Amendment 6: Rights of Crime Victims; Judges

The measure would amend [Section 16 of Article I](#) and [Sections 8 and 21 of Article V](#) of the [Florida Constitution](#) and add a new section to [Article XII](#). See the exact [constitutional changes here](#).

A “yes” vote supports:

- adding a lengthy and specific list of crime victim rights (together known as a [Marsy’s Law](#)) to the Florida Constitution and eliminating the current proviso that these rights shall “not interfere with the constitutional rights of the accused”;
- increasing the [judicial retirement age](#) from 70 to 75 years of age; and
- prohibiting state courts from deferring to an administrative agency’s interpretation of a state statute or rule in lawsuit.

A “no” vote supports

- leaving the currently enumerated rights of both accused and of victims unchanged;
- leaving the current judicial retirement age at 70; and

- maintaining the judicial precedent of state courts deferring to an administrative agency's interpretation of a state statute or rule in lawsuits.

## Ballot Summary

Creates constitutional rights for victims of crime; requires courts to facilitate victims' rights; authorizes victims to enforce their rights throughout criminal and juvenile justice processes. Requires judges and hearing officers to independently interpret statutes and rules rather than deferring to government agency's interpretation. Raises mandatory retirement age of state justices and judges from seventy to seventy-five years; deletes authorization to complete judicial term if one-half of term has been served by retirement age.

## Analysis

This proposal is emblematic of the CRC's practice of bundling potentially controversial items (so-called "poison pills") with benign or popular ones to enhance the likelihood of approval, since **voters must accept or reject the entire package**. This measure would change state law regarding the rights of crime victims, the age at which judges must retire, and the established legal precedent of "judicial deference."

[Marsy's Law](#), AKA a "bill of rights" for crime victims, would vastly expand the scope of victims' rights already included in Article I, Section 16, by providing crime victims, their families, and their lawful representatives with specific rights. These would include a right to due process and to be treated with fairness and respect; a right to be free from intimidation, harassment, and abuse; a right to have the victim's welfare considered when setting bail; a right to proceedings free from unreasonable delay, among others. It would also **eliminate** an existing provision that victims' rights shall "not interfere with the constitutional rights of the accused."

Supporters claim that crime victims currently don't have any clear, enforceable rights within the state constitution, and interpret that to mean that crime victims have fewer rights than accused criminals. In fact Article I, Section 16, of the Florida Constitution states: "Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, *to the extent that these rights do not interfere with the constitutional rights of the accused.*" (Emphasis added.) Opponents note that the Fifth and Fourteenth Amendments to the United States Constitution each contain a due process clause, and that the Supreme Court of the US ruled [In re Winship, 397 U.S. 358 (1970)] that the presumption of innocence inherent in the Due Process clause is a constitutional principle which is binding on the states, because it protects the accused against conviction except upon proof beyond reasonable doubt. Therefore, eliminating the provision that the rights of the accused may not be interfered with is an abrogation of Due Process as guaranteed by the US Constitution.

The measure would also increase the age at which judges are required to retire from 70 to 75. As of 2018, Florida is one of 18 states with a required retirement age of 70. Seven states have a judicial retirement age of 75. The highest judicial retirement age in the US is 90 in Vermont. However, 19 states do not have a required retirement age for judges.

Finally, the measure would prohibit state courts from deferring to an agency's reasonable interpretation of its substantive statutes in lawsuits, a process known as "judicial deference." Instead, the measure would require state courts to interpret statutes or rules *de novo*; i.e., to without deference to the legal opinions of administrative agencies or previous judgment. In other words, courts and judges would be required to interpret laws and rules for themselves rather than relying on interpretations by government agencies. How did we get here? In *Chevron USA v. Natural Resources Defense Council* (1984), SCOTUS ruled that when a law passed by Congress is silent or ambiguous regarding an issue (as they often are), the courts must defer to the responsible agency's interpretation of the law, unless that interpretation is unreasonable. The issue may soon be rendered moot, following the recent SCOTUS decision in *SAS Institute Inc. v. Iancu*. Writing for a five-member majority, Justice Gorsuch refused to affirm the Chevron doctrine, while Justice Breyer's dissent declined to fully endorse

it, instead classifying it as a simple “rule of thumb, guiding courts in an effort to respect that leeway which Congress intended the agencies to have.”

Save My Constitution opposes this measure, as well as every other measure placed on the [November 2018 ballot](#) by the [Florida Constitution Revision Commission](#). The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.

#### Supporters

- Marsy’s Law for All Foundation
- Walton County Sheriff Mike Adkinson
- Florida Smart Justice
- Marsy’s Law for Florida

#### Opponents

- [Save My Constitution](#)
- League of Women Voters of Florida
- Florida Public Defenders Association
- ACLU of Florida

### **Amendment 7: First Responder and Military Member Survivor Benefits; Public Colleges and Universities**

Amendment 7 would amend [Sections 7 and 8 of Article IX](#) of the [Florida Constitution](#) and add a new section to [Article X](#) of the state constitution. See the exact [constitutional changes here](#).

**This measure was blocked from the ballot by a court ruling, which is pending appeal.** It will appear on the ballot, but depending on the Appellate Court’s decision, the results may not count.

A “**yes**” vote supports:

- requiring employers to provide death benefits, as the state legislature defines, to the surviving spouses of first responders while engaged in official duties;
- requiring the state to provide death benefits, as the [state legislature](#) defines, to the surviving spouses of active-duty U.S. Armed Forces members who are accidentally killed or unlawfully and intentionally killed;
- requiring a nine-member vote of the board of trustees and 12-member vote of the board of governors to increase a college fee; and
- placing the current structure of the state's system of higher education in the Florida Constitution.

A “**no**” vote rejects this amendment in its entirety.

#### Ballot Summary

Grants mandatory payment of death benefits and waiver of certain educational expenses to qualifying survivors of certain first responders and military members who die performing official duties. Requires supermajority votes by university trustees and state university system board of governors to raise or impose all legislatively authorized fees if law requires approval by those bodies. Establishes existing state college system as constitutional entity; provides governance structure.

#### Analysis

This CRC-referred measure includes three “Education” amendments bundled as one, so voters must approve or disapprove all of them. Amendment 7 was challenged in court and struck from the ballot, but that decision is currently under appeal. So, it will appear on the ballot, but depending on how the current appeal is decided, the results may not count.

First, Amendment 7 would require employers to pay death benefits to surviving spouses of first responders killed in the line of duty; and the state to pay death benefits to surviving spouses of active-duty military members accidentally killed or murdered. Both benefits would be defined by the legislature. Statutes **already** require death benefits for first responders, and the US government **already** pays death benefits to survivors of

military members. This measure also includes waiver of some educational expenses for survivors (hence its inclusion in Amendment 7), and would enshrine this in the state Constitution.

Second, it would Require a ~70% super majority vote (vice simple majority) of a college's board of trustees and the state's board of governors to increase a college fee.

Third, it would add the structure of the state's higher education system to the Constitution. The devil is in the details, which include the governor appointing local college trustees, subject to State Senate approval, and the state board of education supervising the state college system. In other words: no more local control of local colleges.

As noted previously, CRC bundled two popular measures (Support our troops and first responders—which we already do—and freeze college fees!) with a state takeover of local colleges, all of which will be hard to change once it's in the Constitution.

Save My Constitution opposes this measure, as well as every other measure placed on the [November 2018 ballot](#) by the [Florida Constitution Revision Commission](#). The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.

#### Supporters

- Association of Florida Colleges

#### Opponents

- [Save My Constitution](#)
- League of Women Voters of Florida
- Florida Education Association

### **Amendment 9: Prohibits Offshore Oil and Gas Drilling; Prohibits Vaping in Enclosed Indoor Workplaces**

Amendment 9 would amend [Section 7 of Article II](#) and [Section 20 of Article X](#) of the [Florida Constitution](#). See the exact [constitutional changes here](#).

**This measure was blocked from the ballot by a court ruling, which is pending appeal.** It will appear on the ballot, but depending on the Appellate Court's decision, the results may not count.

A “yes” vote supports:

- banning offshore drilling for oil and natural gas on lands beneath all state waters; and
- banning the use of vapor-generating electronic devices, such as electronic cigarettes, in enclosed indoor workplaces.

A “no” vote rejects the amendment in its entirety and maintains current protections in Articles II and X.

#### Ballot Summary

Prohibits drilling for the exploration or extraction of oil and natural gas beneath all state-owned waters between the mean high water line and the state's outermost territorial boundaries. Adds use of vapor-generating electronic devices to current prohibition of tobacco smoking in enclosed indoor workplaces with exceptions; permits more restrictive local vapor ordinances.

#### Analysis

This CRC-referred measure features two amendments merged under the “environment” label. Again, this is an “all or none” choice.

Amendment 9 would prohibit drilling for exploration or extraction of oil or natural gas on lands beneath all state waters. This prohibition would include the ocean from shoreline to the outermost boundaries of the state's

territorial seas. It would **not** affect the transportation of oil and natural gas products that were produced outside the state's waters.

Amendment 9 would also ban the use of vapor-generating e-cigarettes and other electronic devices in enclosed indoor workplaces in the state. The measure would make exceptions for the use of vapor-generating electronic devices in (1) private residences that are not being used for commercial childcare, adult care, or healthcare; (2) in retail tobacco and vapor-generating electronic device shops; (3) designed smoking guest rooms in hotels; and (4) stand-alone bars.

Amendment 9 supporters have two words for Florida voters: Deepwater Horizon. Their concern for the environment overrides any concern about putting vaping in the Constitution. They also fear that rejecting the amendment would send a signal to the federal government that Florida does not care about offshore drilling. Read all about the issues surrounding [coastal drilling](#) in Florida waters and make up your own mind.

Save My Constitution opposes this measure, as well as every other measure placed on the [November 2018 ballot](#) by the [Florida Constitution Revision Commission](#). The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.

#### Supporters

- Multiple organizations, businesses, public health groups, counties and municipalities ([complete list](#))

#### Opponents

- Florida Petroleum Council
- Associated Industries of Florida
- Consumer Advocates for Smoke-Free Alternatives Association
- Florida Chamber of Commerce
- Save My Constitution

### Amendment 10: State and Local Government Structure and Operation

Amendment 10 would amend [Section 3 of Article III](#), [Sections 4 and 11 of Article IV](#), and [Sections 1 and 6 of Article VIII](#) of the [Florida Constitution](#). See the exact [constitutional changes here](#).

A **“yes”** vote supports

- requiring, rather than just authorizing, the legislature to provide for a state Department of Veterans Affairs;
- creating a state Office of Domestic Security and Counter-Terrorism;
- requiring the legislature to convene regular session on the second Tuesday of January of even-numbered years; and
- prohibiting counties from abolishing certain local offices—sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court—and requiring elections for these offices.

A **“no”** vote rejects this amendment in its entirety and retains the status quo.

#### Ballot Summary

Requires legislature to retain department of veterans' affairs. Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices. Changes annual legislative session commencement date in even-numbered years from March to January; removes legislature's authorization to fix another date. Creates office of domestic security and counterterrorism within department of law enforcement.

## Analysis

This CRC-referred measure includes four separate amendments that loosely fall under the heading of “government administration.”

The Constitution already authorizes the legislature to create a Department of Veterans Affairs, which they are free to do at their discretion. Amendment 10 would force their hand, creating yet another funding issue during the budget process. Regarding creation of a state Office of Domestic Security and Counter-Terrorism (another unfunded mandate), FDLE is already the lead agency in coordinating efforts to prevent terrorism. The legislature already has the power to set session dates during even numbered years, as it did in January 2018, just to give the most recent example.

Finally, Amendment 10 would restrict the powers of local government by prohibiting counties from abolishing or consolidating certain local offices (Sheriff, tax collector, property appraiser, supervisor of elections, clerk of courts) or changing them to appointed versus elected positions. This measure is aimed at counties with charter governments, as it would prevent voters in local communities from deciding on the election of county officers, which charters may authorize.

Opponents cite the redundancy of the first three proposals (the Constitution already has authorized the Legislature to create a Department of Veteran Affairs; FDLE is already the lead counter-terrorism agency; and the legislature already has the power to set dates during even-numbered years), and the fact that the final provision is clearly an effort to restrict the powers of local government.

Save My Constitution opposes this measure, as well as every other measure placed on the [November 2018 ballot](#) by the [Florida Constitution Revision Commission](#). The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.

### Supporters

- CRC Commissioners Carolyn Timmann, Belinda Keiser, and Jeanette Nuñez, who sponsored the proposals that were combined into Amendment 10.

### Opponents

- Save My Constitution
- League of Women Voters of Florida

## Amendment 11: Property Rights; Removal of Obsolete Provision; Criminal Statutes

Amendment 11 would amend [Section 2 of Article I](#) and [Sections 9 and 19 of Article X](#) of the [Florida Constitution](#). See the exact [constitutional changes here](#).

**This measure was blocked from the ballot by a court ruling, which is pending appeal.** It will appear on the ballot, but depending on the Appellate Court’s decision, the results may not count.

A “yes” vote supports

- repealing a constitutional provision that prohibits foreign-born persons who are ineligible for citizenship from owning, inheriting, disposing of, and possessing property;
- repealing an obsolete constitutional provision that mandates development of a high-speed ground transportation system in Florida; and
- deleting the constitutional provision that an amendment to a criminal statute does not affect the prosecution of a crime committed before the statute’s amendment.

A “no” vote rejects the amendment in its entirety and leaves current provisions in place.

### Ballot Summary

Removes discriminatory language related to real property rights. Removes obsolete language repealed by voters. Deletes provision that amendment of a criminal statute will not affect prosecution or

penalties for a crime committed before the amendment; retains current provision allowing prosecution of a crime committed before the repeal of a criminal statute.

### Analysis

Amendment 11 would remove discriminatory language related to real property rights by repealing the state's ability to prohibit non-citizens from buying, owning and selling property. It would also delete obsolete language regarding high speed rail in Florida (which was repealed by voters), and delete a provision that forces the state to prosecute criminal suspects under an obsolete law (the current provision allowing prosecution of a crime committed before the repeal of a criminal statute is retained).

Supporters note that the language about someone who is not a citizen not being able to own or sell property is racist and discriminatory on its face. Additionally, deleting the requirement to prosecute under obsolete laws would have major fiscal benefits for taxpayers and positive effects on Florida's inmate population. The possibility of reducing inmates' sentences would cut down on expenses, and those funds could be diverted into crucial re-entry and substance abuse programs.

Critics note that removing obsolete language is a good thing, but there's still a lot of other obsolete language that's not being addressed. Additionally, Save My Constitution opposes this measure, as well as every other measure placed on the [November 2018 ballot](#) by the [Florida Constitution Revision Commission](#). The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.

### Supporters

- ACLU of Florida

### Opponents

- Save My Constitution

## Amendment 12: Lobbying and Abuse of Office by Public Officers

Amendment 12 would amend [Section 8 of Article II](#) and [Section 13 of Article V](#) of the [Florida Constitution](#) and add a new section to [Article XII](#) of the state constitution of the [Florida Constitution](#). See the exact [constitutional changes here](#).

A **"yes"** vote supports prohibiting public officials from lobbying for compensation during their term in office and for six years after leaving office and prohibiting public officials from using their office to obtain a disproportionate benefit.

A **"no"** vote rejects the prohibitions specified in the amendment.

### Ballot Summary

Expands current restrictions on lobbying for compensation by former public officers; creates restrictions on lobbying for compensation by serving public officers and former justices and judges; provides exceptions; prohibits abuse of a public position by public officers and employees to obtain a personal benefit.

### Analysis

This measure would revise the state Constitution's "ethics in government" provisions, following a failed attempt by the Legislature in 2018 to reform lobbying practices. If approved it would:

- Extend the ban on state lobbying by legislators and statewide elected officials from 2 to 6 years;
- Prohibit legislators and statewide elected officials from lobbying federal and local government agencies while in office;
- Prohibit top state agency employees from any lobbying while working for the state and from lobbying state government for 6 years after leaving their job;

- Prohibit local elected officials from getting paid to lobby anyone while in office and from lobbying their own governing body for 6 years after leaving office;
- Prohibit judges from lobbying any branch of state government for 6 years after leaving the bench; and
- Prohibit any elected official or public employee from using his or her position to gain a “disproportionate benefit” (to be defined by the state Ethics Commission).

Opponents claim this issue can and should be legislatively addressed, and therefore should not be permanently incorporated into Florida’s Constitution. Save My Constitution opposes this measure, as well as every other measure placed on the [November 2018 ballot](#) by the [Florida Constitution Revision Commission](#). The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.

Supporters claim that if passed, Florida would have the strongest ethical standards in any state’s laws or constitution, and Florida would be a national leader in the area of government ethics.

#### **Supporters**

- CRC Commissioner Don Gaetz

#### **Opponents**

- Save My Constitution

### **Amendment 13: Ends Dog Racing**

Amendment 13 would add a new section to [Article X](#) and a new section to [Article XII](#) of the [Florida Constitution](#). See the exact [constitutional changes here](#).

A “**yes**” vote supports prohibiting pari-mutuel (a type of betting pool) operations from racing greyhounds or any other dogs for wagering, and prohibits persons in Florida from wagering on the outcome of live dog races occurring in the state.

A “**no**” vote opposes bans on live dog races and betting on same.

#### **Ballot Summary**

Phases out commercial dog racing in connection with wagering by 2020. Other gaming activities are not affected.

#### **New Section of Article X**

##### **Prohibition on racing of and wagering on greyhounds or other dogs.—**

The humane treatment of animals is a fundamental value of the people of the State of Florida. After December 31, 2020, a person authorized to conduct gaming or pari-mutuel operations may not race greyhounds or any member of the *Canis Familiaris* subspecies in connection with any wager for money or any other thing of value in this state, and persons in this state may not wager money or any other thing of value on the outcome of a live dog race occurring in this state. The failure to conduct greyhound racing or wagering on greyhound racing after December 31, 2018, does not constitute grounds to revoke or deny renewal of other related gaming licenses held by a person who is a licensed greyhound permitholder on January 1, 2018, and does not affect the eligibility of such permitholder, or such permitholder’s facility, to conduct other pari-mutuel activities authorized by general law. By general law, the legislature shall specify civil or criminal penalties for violations of this section and for activities that aid or abet violations of this section.

#### **New Section of Article XII**

##### **Prohibition on racing or wagering on greyhounds or other dogs.—**

The amendment to Article X, which prohibits the racing of or wagering on greyhound and other dogs, and the creation of this section, shall take effect upon the approval of the electors.

## Analysis

In 1931, the Florida State Legislature passed a law to allow betting on horse racing and dog racing. As of 2018, Florida was one of only 10 states where betting on dog races is legal. However, Florida is one of just six states where pari-mutuel companies operate dog racing tracks specifically for gambling. The remaining 40 states prohibit wagering on dog races.

Supporters of Amendment 13 cite animal cruelty as justification for the ban on dog racing and betting on dog racing. The racers are confined in warehouse-style kennels for 20+ hours a day, and many suffer injuries while racing and are subsequently crippled or put down. State records estimate a racing greyhound dies every three days on a Florida track. Amendment 13 supporters reject “this kind of wasteful and needless suffering ... as a form of gambling or entertainment.” The League of Women Voters of Florida supports Amendment 13 because of its consistent position against all forms of gambling.

Opponents of Amendment 13—who sued unsuccessfully to have it removed from the ballot—include greyhound breeders, pari-mutuel betting operations and greyhound adoption organizations from across the country. They want to preserve “the proud tradition of Florida greyhound racing” and educate the public “about these amazing athletes and pets.” They point out that greyhounds are working dogs, and like many working breeds used for hunting, sledding, herding, racing, etc., their jobs “keep them happy, healthy, in top condition and accomplishing what they have been bred to do for centuries.” They also forcefully deny claims of abuse and animal cruelty, insisting their safety record is excellent. The Florida Greyhound Association spokesman noted: “Athletes die. Athletes get hurt. Athletes have heart attacks after a strenuous football game or a baseball game. It happens. It’s unfortunate.”

Save My Constitution opposes this measure, as well as every other measure placed on the [November 2018 ballot](#) by the [Florida Constitution Revision Commission](#). The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.

### Supporters

- [Protect Dogs – Yes on 13](#)
- Grey2K USA Worldwide
- Committee to Protect Greyhounds
- The Greater Tarpon Springs Democratic Club
- OurRev305 of Miami
- First Congregational United Church of Christ in Ocala
- Animal Welfare League of Charlotte County
- Edgewater Animal Shelter
- League of Women Voters of Florida
- Southeast Volusia Humane Society
- The Animal Legal Defense Fund
- Pets Ad Litem

- Imagine Our Florida Inc.
- Florida Senators Tom Lee, Dana Young and Darryl Rouson
- Former Florida Senators Don Gaetz, Lisa Carlton, Eleanor Sobel, and Maria Sachs
- Former Sewall’s Point mayor Jacqui Thurlow-Lippisch
- Brecht Heuchan

### Opponents

- Save My Constitution
- A.J. Grant, kennel owner
- The Florida Chamber of Commerce
- The Florida Greyhound Association
- Over 60 Greyhound Adoption organizations ([full list](#))